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ABSTRACT

The ultimate decision to impose copyright liability on CATV operators must be based on how the public interest can best be served. Two public interests must be balanced. First, the public is interested in the best possible variety and reception of television programing for the greatest number of people. Second, the public is interested in encouraging artists to create for television. CATV operators say these goals cannot be accomplished without exemption from copyright liability. On the other hand, copyright owners will be less willing to produce if CATV operators have no copyright liability. Some proper mixture of the Communications Act of 1934 and the Copyright Act of 1909 must be found. The copyright revision bill proposed in Congress by Senator McClellan seems to offer such a compromise. Under the McClellan proposal, copyright owners would receive a reduced but reasonable amount of compensation for use of their programs in areas where the public interest outweighs the copyright owner's interest. Where CATV serves as a "fill-in," no copyright liability is imposed, but copyright owners are expected to benefit from the increased viewing audience that such "fill-ins" provide. (WCM)

CATV Copyright Controversy

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Cable television (CATV) began as a service to primarily rural areas where reception of over-the-air broadcast signals was limited or impossible. By placing an elaborate antenna on top of a hill or mountain and by connecting subscribing households to the antenna with cable, CATV operators were able to offer television viewers improved reception. As long as CATV remained in the small, rural markets, broadcasters and holders of copyrights on broadcast materials appreciated the increased audience that cable television could provide for their programing. But when cable operators began to expand into urban areas and to import signals from distant markets, their competitive threat to broadcasters and copyright owners became more real and copyright infringement became an issue.[1]

When the Federal Communications Commission (FCC) licenses a broadcast station, it limits the power output of the transmitter so that it will not interfere with the signal from other stations. Also, the FCC allocates only a limited number of broadcast stations to any one market to prevent signal interference. These two necessary technical limitations have created a system of discrete, "exclusive" television markets. Because programs broadcast in one market could not be received by viewers in another market, copyright owners had been able to sell their programs to each market separately. However, now that CATV operators are importing broadcast signals from distant markets to their own, copyright owners are sometimes unable to resell that program to the broadcast station

in that CATV service area for the preferred price, which threatens their economic survival.

In an attempt to protect their financial interests, copyright owners and broadcasters accused CATV operators of copyright infringement in receiving and retransmitting broadcast signals. They cited the Federal Copyright Act of 1909, which gave the creators of ideas exclusive rights to their own work for the purposes of copying, selling, recording, performing, and so forth.[2]

In order to be protected under the Copyright Act, material must fall into one of two general categories: that material protected under common-law copyright or that covered by statutory copyright. Common-law copyright was meant to protect a creator's ideas prior to publication. Under common-law copyright, an author has an absolute property right over the work that remains in effect as long as the work is unpublished. However, any type of publication, whether intended or not, will result in the permanent loss of all protection for that work under common-law copyright.[3] In the past, this type of protection was applied extensively to television programing, but a recent court decision has eliminated common-law protection for broadcast programs. In Z Bar Net v. Helena Television, Inc., the Court determined that the cable system was not liable for copyright penalties because the author's consent to the original broadcast by the original station constituted a public release of the work.[4] The Court decided, in other words, that broadcast constitutes "publication" and therefore, that such publication nullifies common-law copyright protection.

Statutory copyright is designed to protect an author's work after it has been published. Given the court decision that television broadcast constitutes "publication," statutory copyright seems to be the most obvious means of protection for broadcasters and creators. But the effectiveness of statutory copyright provisions in the area of television programing is limited. First, in order to be protected under the statutes, a program must be in tangible form, such as film, videotape, or script. This requirement immediately eliminates any protection for "live" shows such as sporting events, news shows, or spontaneous "talk" programs, unless they are recorded in tangible form. Second, requirements for putting notices of the copyright on each copy and for depositing a copy with the Copyright Office have made statutory copyright an impractical means of protection for many television programs. Nevertheless, this means of protection is being used for broadcast programing to some extent: The three major metworks own nearly 7 percent of the programs available for syndication.[5] Most of the remaining copyrights are owned by motion picture producers and by other syndicators.

Copyright owners and broadcasters have also attempted to protect themselves under state unfair-competition and misappropriation laws. As in the case of common-law copyright, recent court decisions have all but eliminated these means of protection. In the case of International News Service v. Associated Press, the Court declared that "an appropriateon of a competitor's work product by a rival to the detriment of the competitor has been deemed an act

of unfair competition . . . ."[6] However, the Court went on to stipulate that a competitor cannot be forbidden by state unfair-competition law from using anything that "the federal patent and copyright laws leave in the public domain."[7] Therefore, because broadcasting is considered "publication," the moment that any program not covered by statutory copyright protection is broadcast, it enters the "public domain" and can be reused without permission or royalty payment.

In a similar case, Cable Vision, Inc. v. KUTV, Inc., the Court held that a CATV system cannot be sued under state unfair-competition laws for retransmitting a program that can be protected under statutory copyright provisions, because federal copyright law preempts state laws.[8]

These two decisions seem to reduce copyright owners' means of protection to the Federal Copyright Act of 1909, which was drawn up prior to the invention of such modern means of communication as film, radio, phonographs, and television. Because the Communications Act has no specific provisions dealing with television, protection under that statute can only be obtained through judicial interpretation, congressional action to accommodate specific situations, or, possibly, FCC regulation of CATV.

The Courts and Copyright

The question of CATV's liability under the copyright laws first became an issue in the courts in the early 1960s in a dispute between United Artists Television, Inc., and Fortnightly Corpora-

tion.[9] The dispute concerned alleged infringements of copyrights by two small cable systems in West Virginia. The District Court ruled that the CATV retransmissions were independent, "infringing performances."[10] The basis for the Court's decision in the Fortnightly case centered around a ruling in an earlier case, Buck v. Jewell-Lasalle Realty Co. In this case, a hotel proprietor who had provided music to all the rooms in his hotel via a master radio and loud speakers was found by the Court to be practicing an unlicensed "performance" of a copyrighted work and therefore to be guilty of infringement. The District Court determined that the Fortnightly situation was analogous to the Lasalle case and that the Fortnightly Corporation was therefore also guilty of infringement. The District Court's decision in the Fortnightly case was upheld by the Appeals Court.

In 1968 the Supreme Court reversed the lower courts' decisions, ruling that CATV systems do not incur liability under copyright law by picking up and retransmitting local signals. The Supreme Court based its decision on a technical distinction between the nature of the Lasalle operation and the nature of a CATV operation: In the case of Lasalle, the hotel proprietor had provided the necessary equipment to transform the radio signals into audible sounds that the guests in the hotel could hear. In the case of CATV operators, however, the subscriber owns the equipment that is necessary to make the transformation from electronic signals to visual and audible information.[11] Because CATV is merely an extension of the subscriber's set in the form of an antenna, the Court ruled

that CATV is more akin to a viewer than to a broadcaster and, as such, CATV does not incur copyright liability. It is significant, however, that this ruling applied only to local signals. The Supreme Court left the question of copyright liability on "imported" signals open, to be decided in another case.

In 1964 CBS and three independent program-production companies brought a suit against Teleprompter Corporation, charging copyright infringement similar to that in the Fortnightly case. The CBS suit was stayed pending Supreme Court resolution of the Fortnightly case. When that case was decided in favor of Fortnightly, CBS amended its complaint to say that changes in cable technology made CATV systems more than just reception services. CBS cited program origination, sale of advertising, system interconnection, and importation of distant signals as transforming the nature of cable operations from that of a "viewer" to that of a "broadcaster."[12] The District Court rejected CBS's argument, but it did decide that CATV operators can incur copyright liability for programs "imported" from distant markets.[13]

In March 1974, the Supreme Court reversed the lower court's decision, ruling that

> . . . regardless of the sophistication of the cable system involved and the distance from which it imports its signals, the [Copyright] Act does not apply to broadcast programs the system picks up and retransmits to its subscribers.[14]

The Supreme Court has continued to rule in favor of CATV in interpreting the wording of the Copyright Act of 1909. This is not to say that the Supreme Court feels CATV should be exempt from any

copyright liability but rather that any decision of such liability is the function of Congress. Justice Stewart noted in the decision that "any ultimate resolution of the many sensitive and important problems in this field must be left to Congress."[15] However, the 1974 ruling is especially significant because it exempts CATV from claims for retroactive royalty payments should Congress impose copyright liability in the future.

Congress and Copyright

Since 1965, the question of copyright liability for cable television has been the subject of considerable debate in Congress.[16] The House originally intended to extend full copyright liability to CATV. When this intention became known, it excited considerable activity among interested parties, and hearings on the subject were held in Congress throughout 1965 and 1966.[17] During those hearings, copyright owners, broadcasters, and cable operators reached a compromise, Section 111 in the House copyright revision bill H.R. 2512.

Section 111 established three categorees of CATV copyright liability, characterized by the extent to which the CATV system varies from the traditional role of a "fill-in" service.[18] When a cable operator imports distant signals into a market that is "adequately served" by local representation of the three major networks, the cable operator incurs full liability for copyright, because the importation of signals would diminish market exclusivity for copyright owners. These areas are designated "black" service areas.

In "white" service areas, the cable operator serves only as a "fill-in" service within the local broadcast station's market, and the operator incurs no copyright liability for the retransmission of broadcast signals. "Fill-in" service, it was reasoned, results in no damage to copyright owners and is, in fact, likely to be beneficial to them.

In an area that is not adequately served by the three major networks and where the program is not exclusively licensed to a local broadcaster, the cable operator must pay a reasonable fee to the copyright owner in order to present the program. The cable operator is given a compulsory copyright license for operations in these "gray" areas. The amount of the fee paid by the CATV operator is negotiated between the copyright owner and the CATV operator, and if no agreement can be reached, the issue is settled by the courts.

Section 111 also includes "trigger" provisions that would automatically impose full liability on the cable operator should he originate programing, alter program content, make separate charges for individual programs, or use a program not intended for reception by the general public.[19] Broadcasters inspired this particular section because they feared competition from cable operators in the areas of local programing, pay television, and advertising.

Criticism of Section 111 led to its eventual deletion from H.R. 2512. One of the major criticisms was that the setting of "reasonable" copyright royalties should not be relegated to the courts but should be decided through compulsory arbitration.[20]

The other criticism was that Section 111 resulted in regulation of CATV through copyright law rather than as a function of the House Interstate and Foreign Commerce Committee. Therefore, when the House copyright revision bill H.R. 2512 was passed, Section 111 was deleted and CATV operators were left fully liable for copyright payments in retransmitting broadcast signals.

After the defeat of Section 111, the House decided to leave the settlement of the cable copyright controversy to the Senate. Although H.R. 2512 died in the Senate, Senator John L. McClellan has provided some notable proposals for settlement of the copyright issue. In 1971 Senator McClellan outlined what he considered to be the essential elements in any copyright settlement. These essential elements are:

1) compulsory license for cable systems subject to certain restrictions;

2) special provisions protecting exclusivity in major markets;

3) congressional determination, at least initially, of copyright royalties to be paid by cable operators;

4) establishment of an impartial Copyright Royalty Tribunal; and

5) special provisions dealing with professional and collegiate sports.[22]

Opposition to the McClellan proposal, which is still pending in the Senate, stems primarily from the provision for setting copyright royalty fees. The establishment of an impartial Copyright Royalty Tribunal to adjust royalty rates, distribute fees, and settle disputes would do little to assuage the feelings of copyright

owners, who still contend that royalty fees should be left to arbitration. Under the McClellan proposal, CATV operators would pay copyright owners fees for the programing that is brought by cable into the "gray" service areas. These fees would amount to:

1% of gross subscriber receipts up to $40,000;

2% of receipts ranging from $40,000 to $80,000;

3% of receipts between $80,000 and $120,000;

4% of those receipts from $120,000 to $160,000; and

5% of gross subscriber receipts over $160,000.[23]

Although copyright owners do not feel that this fee schedule is reasonable, cable operators tend to support the McClellan plan.[24] But CATV operators still hope for some changes in McClellan's bill; they would especially like to see an exemption for "Community Antenna Television" systems that serve fewer than 3,500 subscribers.[25]

Both cable operators and copyright owners appear to have strong lobbies in Congress, so unless some mutually acceptable solution is reached regarding the amount of copyright royalties, the current copyright revision bill will probably go the way of its predeccssors.

The FCC and Copyright

Initially the FCC viewed CATV in terms of its potential for competition with broadcast television and saw itself as the protector of commercial broadcast, educational, and UHF stations from unfair competition. So far the FCC has dealt with copyright not as a separate issue but as part of the total problem of cable television regulation.

In its First Report and Order, issued in 1959, the FCC held that CATV should not be restricted from retransmitting broadcast signals.[26] At that time, the FCC saw CATV as merely an extension of broadcast television service in a market and not as a serious economic threat to broadcasters. This decision allowed cable operators to use broadcast programing without permission and without paying any copyright fees.

As cable television continued to grow, broadcasters became more and more concerned about CATV's threat to their economic security. Broadcasters urged the FCC to regulate CATV in an attempt to protect their interests. But the FCC was reluctant to rule in the area of cable, stating that it lacked legislative authority from Congress to do so. Finally, the FCC stated that it would not regulate cable because "any alleged economic threat to broadcasting had not been established."[27]

In 1962 the FCC reversed its position in the case of the Carter Mountain Transmission Corporation. In this case, the FCC ruled that a CATV operator could not expand his facilities, because such an expansion would economically threaten the local broadcaster.[28] The FCC felt that the public interest would best be served by maintaining the local broadcast station. This decision marked the first tentative assertion of FCC jurisdiction in the area of cable television.

As long as CATV remained in small, rural communities and did not import distant signals, neither local broadcasters nor the FCC perceived a threat to copyright laws. The Commission was concerned,

however, about the unfair competition that cable systems might give to local broadcasters, especially to those with UHF stations. At the time, the FCC took the stand that the development of local stations, especially UHF stations, should be encouraged and protected from unfair competition.

In the 1966 Second Report and Order, Part I, the FCC came out with carriage and nonduplication rules.[29] Under these regulations, a CATV operator, limited only by his channel capacity, was required to carry unaltered all local commercial and educational television signals. Because most cable systems at that time had a capacity for twelve channels, this requirement posed no undue hardship for cable operators. Simultaneously, nonduplication provisions were loosened: In the First Report and Order, CATV operators were prohibited from duplicating a signal that had been carried by a local broadcaster within fifteen days before or after the broadcast; in the Second Report and Order this nonduplication period was reduced to the same day. In fact, the Second Report and Order allowed "same day" duplication if the local broadcast was in black and white and the duplicating signal was in color. Although this ruling was based on the FCC's interpretation of the best interests of the public, it was obviously beneficial for cable interests.

Part II of the Second Report and Order was more favorable for broadcasters. Under the provisions of Part II, any cable operator who wished to begin operations within the top one hundred markets was required to obtain permission to do so from the FCC. The FCC would grant permission to begin cable operations on the basis of

the results it received from a study of the economic impact of the proposed CATV system on established or prospective UHF stations in that market.[30] This provision was included to protect the development of UHF broadcasting stations.

In 1968 cable television operators challenged the FCC's authority to regulate CATV. In the case of U.S. v. Southwestern Cable Co., the Supreme Court upheld the FCC's jurisdiction in the area of cable television.[31] Shortly after the Southwestern decision, the FCC proposed some additional regulations for CATV operations. It proposed that CATV operators be required to originate a certain amount of programing and that copyright liability be imposed on this original programing. Additionally, cable operators would be prohibited from importing signals into the top one hundred markets without the original broadcaster's permission.[32] The FCC's purpose was to stimulate diversity in programing and to protect, at least to a certain extent, the marketability of copyrighted programing.

In 1970 the FCC issued more proposals for governing the carriage of television broadcast signals.[33] Under these proposals, CATV operators in the top one hundred television markets would be allowed to carry four channels of distant nonnetwork programing. However, CATV operators would be allowed to carry distant signals only if they contributed 5 percent of their gross subscription revenues to public broadcasting. And the operators would be required to delete the advertising contained in these imported programs and to substitute advertising supplied by local broadcast stations. The priority in selecting the local advertising would

be determined by the threat that cable competition posed to any given station; those stations most threatened would receive first priority. The FCC intended that distant-signal copyright owners be compensated for the use of their programs. Although the FCC left the ultimate decision of all copyright matters to Congress, a model was proposed to illustrate how copyright compensation could be made.

Broadcasters, copyright owners, and cable operators were so critical of the FCC's 1970 proposals that the FCC felt it could never achieve the level of cooperation that would be necessary to implement its plan.[34] Therefore, the proposals were never adopted.

In 1971 cable operators, broadcasters, and copyright owners reached a consensus agreement on station carriage and exclusivity, among other things, under the auspices of the Office of Telecommunications Policy. This consensus agreement led to the adoption of the FCC's 1972 rules governing cable television.[35] Under the new, current rules and regulations, the FCC has extended exclusivity to cover syndicated as well as network programing. In addition, the number of distant signals a system may carry now depends on the size of the market in which a cable system operates and on that market's ability to absorb additional competition,[36] which, the FCC hopes, will encourage the development of cable in the larger markets without adversely affecting local broadcast television. The rules were designed to create an incentive for the development of nonbroadcast services on cable, providing a potential market for copyright owners' products.

As in the past, the FCC avoided dealing directly with the copyright issue but left it to be settled by congressional action. However, the FCC contended that the consensus agreement reached in 1971 and the subsequent adoption of the cable rules and regulations in 1972 would make the passage of copyright legislation in Congress easier.[37] In fact, before the effectiveness of the consensus agreement and the 1972 rules and regulations can be fully realized, Congress must institute copyright legislation. As matters now stand, Senator McClellan's current copyright revision bill has yet to be acted on.

In the ten or so years that the courts, the Congress, and the FCC have considered CATV copyright liability, many legal and technical arguments for and against cable's liability have been cited. But the real argument to be considered is that of public interest. Regardless of the nature of cable television as an active or passive receiver of television broadcast signals, the ultimate decision to impose copyright liability on CATV operators must be based on how the public interest can best be served.

Two public interests must be balanced. First, the public is interested in the best possible variety and reception of television programing for the greatest number of people. Indeed, the Federal Communications Act of 1934 was meant to foster the greatest possible dissemination of broadcast service to the public.[38] Second, the public is interested in encouraging artists to create for television, a basic factor in providing the greatest possible variety in tele-

vision programing. The primary goal of the Copyright Act of 1909 was to create incentive to authors so that the public would receive the benefits of creative work; monopoly and reward to the copyright owner were secondary considerations.[39]

CATV has the potential for accomplishing the goals of the Communications Act. But not, cable operators say, without exemption from copyright liability. On the other hand, copyright owners will be less willing to produce if CATV operators have no copyright liability. Some proper mixture of the Communications and Copyright Acts must be found; the two public interests must reach a balance.

The copyright revision bill being proposed in Congress by Senator McClellan seems to offer such a compromise. It takes into consideration the fact that CATV is providing a public service and a service to copyright owners by making television signals available to viewers who would otherwise be unable to receive them. As compensation for this service, the McClellan bill proposes a varying imposition of copyright liability, depending on the type of service that the CATV operator provides in a given area. Under the McClellan proposal, copyright owners would receive a reduced but reasonable amount of compensation for use of their programs in areas where the public interest outweighs the copyright owners' interest. Where CATV serves as a "fill-in," no copyright liability is imposed, but copyright owners are expected to benefit from the increased viewing audience that such "fill-ins" provide.

The McClellan bill seems to have found a reasonable compromise between the need for "equality of opportunity for . . . broadcast-

ing service" and the need to encourage artists to produce.[40] The McClellan compromise can serve to improve both the quality and quantity of television service for a great number of people. However, before the benefits of such a compromise can be fully realized, the conflicting parties to the cable copyright controversy must become aware of the advantages of settling the matter in a mutually beneficial manner.

Footnotes

[1]"CATV and Copyright Liability: On a Clear Day You Can See Forever," Virginia Law Review, Vol. 52 (1966), p. 1506.

[2]"Everything You Always Wanted to Know About Copyrights," Writer, October 1973, p. 23.

[3]Stephen A. Gold, "Television Broadcasting and Copyright Law: The Community Antenna Television Controversy," Copyright Law Symposium, No. 16, of the American Society of Composers, Authors, and Publishers (New York: Columbia University Press, 1968), p. 173.

[4]J. Timothy Keane, "Cable Compromise: Integration of Federal Copyright and Telecommunications Policies," St. Louis University Law Journal, Vol. 17 (Spring 1973), p. 342.

[5]Nancy C. Dreher, "Community Antenna Television and Copyright Legislation," Copyright Law Symposium, No. 17, of the American Society of Composers, Authors, and Publishers (New York: Columbia University Press, 1969), p. 111.

[6]Keane, op. cit., p. 342.

[7]Ibid., p. 345.

[8]Joanne G. Jones, "Community Antenna Television Versus Copyright Rights: An Unresolved Controversy," Howard Law Journal, Vol. 16 (Spring 1971), p. 570.

[9]Ibid., p. 563.

[10]"CATV and Copyright Liability," Harvard Law Review, Vol. 80 (May 1967), p. 1517.

[11]Jones, op. cit., p. 566.

[12]"Cable Sweeps a Twin Bill," CATV, March 11, 1974, p. 8.

[13]Ibid.

[14]"Cable and Copyright: Now It's All Up to Congress," Broadcasting, March 11, 1974, p. 21.

[15]Ibid.

[16]Dreher, op. cit., p. 118.

[17]Ibid., p. 119.

[18]Jones, op. cit., p. 569.

[19]Dreher, op. cit., p. 121.

[20]Chase, "Copyright Law and Its Relevance to CATV: Can an Old Dog Be Taught New Tricks?" Buffalo Law Review, Vol. 19 (1969), p. 84.

[21]Jones, op. cit., p. 570.

[22]"Breakthrough for Copyright Revision?" Publisher's Weekly, July 19, 1971, p. 94.

[23]"Court Cable Ruling Triggers McClellan Copyright Bill," Broadcasting, April 2, 1973, p. 78.

[24]Broadcasting, March 11, 1974, p. 21.

[25]CATV, op. cit., p. 12.

[26]Jones, op. cit., p. 555.

[27]Ibid., p. 556.

[28]Ibid.

[29]Ibid., p. 557.

[30]Ibid., p. 560.

[31]Ibid.

[32]Ibid.

[33]Federal Communications Commission, Cable Television Report and Order and Reconsideration (Washington, D.C.: U.S. Government Printing Office, 1972), p. 10.

[34]Ibid., p. 25.

[35]Broadcasting, March 11, 1974, p. 21.

[36]FCC, op. cit., p. 25.

[37]Ibid., p. 27.

[38]E. Stratford Smith, "CATV--A Tainted Virgin?" Federal Bar Journal, Vol. 27 (Fall 1967), p. 456.

[39]Ibid.

[40]Ibid., p. 458.

Bibliography

"Breakthrough for Copyright Revision?" Publisher's Weekly, July 19, 1971, p. 94.

"Cable and Copyright: Now It's All Up to Congress," Broadcasting, March 11, 1974, pp. 21-22.

"Cable Sweeps a Twin Bill," CATV, March 11, 1974, pp. 7-12.

"CATV and Copyright Liability," Harvard Law Review, Vol. 80 (May 1967), pp. 1514-1537.

"CATV and Copyright Liability: On a Clear Day You Can See Forever," Virginia Law Review, Vol. 52 (1966), pp. 1505 ff.

Chase. "Copyright Law and Its Relevance to CATV: Can an Old Dog Be Taught New Tricks," Buffalo Law Review, Vol. 19 (1969), pp. 65 ff.

"Court Cable Ruling Triggers McClellan Copyright Bill," Broadcasting, April 2, 1973, p. 78.

Dreher, Nancy C. "Community Antenna Television and Copyright Legislation," Copyright Law Symposium, No. 17, of the American Society of Composers, Authors, and Publishers. New York: Columbia University Press, 1969, pp. 102-132.

"Everything You Always Wanted to Know About Copyrights," Writer, October 1973, pp. 23-27.

Federal Communications Commission. Cable Television Report and Order and Reconsideration. Washington, D.C.: U.S. Government Printing Office, 1972.

Gold, Stephen A. "Television Broadcasting and Copyright Law: The Community Antenna Television Controversy," Copyright Law Symposium, No. 16, of the American Society of Composers, Authors, and Publishers. New York: Columbia University Press, 1968, pp. 170-192.

Jones, Joanne G. "Community Antenna Television Versus Copyright Rights: An Unresolved Controversy," Howard Law Journal, Vol. 16 (Spring 1971), pp. 553-574.

Keane, J. Timothy. "Cable Compromise: Integration of Federal Copyright and Telecommunications Policies," St. Louis University Law Journal, Vol. 17 (Spring 1973), pp. 340 ff.

Smith, E. Stratford. "CATV--A Tainted Virgin?" Federal Bar Journal, Vol. 27 (Fall 1967), pp. 451-480.